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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Appln. of: Susanne Marie Crockett et al.
Appln. No.: 10/027,224
Filed: December 20, 2001
For: Method and System for Providing Call Forwarding
Information to a Calling Party
Attorney Docket No: 8285/461

Examiner: Karen L. Le
Art Unit: 2614
Conf. No.: 9046

Mail Stop Appeal Brief - Patents
Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

TRANSMITTAL

Sir:

Attached is/are:

- ☒ Transmittal Cover Letter (1p. Filed in Dup.); Appeal Brief (12 pp.); and
☒ Return Receipt Postcard.

Fee calculation:

- ☐ No additional fee is required.
☐ Small Entity.
☐ An extension fee in an amount of \$_____ for a _____-month extension of time under 37 CFR § 1.136(a).
☐ A petition or processing fee in an amount of \$_____ under 37 CFR § 1.17(____).
☐ An additional filing fee has been calculated as shown below:

					Small Entity			Not a Small Entity	
	Claims Remaining After Amendment		Highest No. Previously Paid	Present Extra	Rate	Add'l Fee	or	Rate	Add'l Fee
Total	19	Minus	20	0	x \$25=			x \$50=	
Indep.	3	Minus	3	0	X105=			x \$210=	
First Presentation of Multiple Dep. Claim					+\$185=			+ \$370=	
					Total	\$		Total	\$

Fee payment:

- ☐ A check in the amount of \$_____ is enclosed.
☒ Please charge Deposit Account No. 23-1925 in the amount of \$510. A copy of this Transmittal is enclosed for this purpose.
☐ Payment by credit card in the amount of \$_____ (Form PTO-2038 is attached).
☒ The Director is hereby authorized to charge payment of any additional filing fees required under 37 CFR § 1.16 and any patent application processing fees under 37 CFR § 1.17 associated with this paper (including any extension fee required to ensure that this paper is timely filed), or to credit any overpayment, to Deposit Account No. 23-1925. A copy of this Transmittal is enclosed for this purpose.

November 6, 2007
Date

Respectfully submitted,

Vincent J. Gnoffo
Vincent J. Gnoffo (Reg. No. 44,714)



11-07-07

AF/2614

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PATENT
CASE NO. 8285/461

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)
Susanne Marie Crockett et al.)
Serial No.: 10/027,224) Examiner: Karen L. Le
Filing Date: December 20, 2001) Group Art Unit No.: 2614
For: Method and System for Providing)
Call Forwarding Information to a)
Calling Party)

APPEAL BRIEF

Mail Stop Appeal Brief - Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sirs:

This Appeal Brief is filed based on the final rejection of all pending claims mailed on March 22, 2006, and further to the Notice of Panel Decision from Pre-Appeal Brief Review mailed October 19, 2007.

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I. Real Party in Interest

The real party in interest for the above-referenced application is SBC Properties, L.P., 645 East Plumb Lane, Reno, Nevada, 89502. See Reel/Frame 014015/0689.

II. Related Appeals and Interferences

The undersigned is unaware of any other appeals or interferences that will directly affect, be directly affected by or have any bearing on the Board's decision in the pending appeal.

III. Status of Claims

Claims 1, 4-11 and 14-21 and 23-24 are pending are pending and stand finally rejected.

All of finally rejected claims 1, 4-11 and 14-21 and 23-24 are appealed.

IV. Status of Amendments

No amendments are pending.

V. Summary of Claimed Subject Matter

Independent claim 1 recites a method for providing an announcement to a calling party when the calling party calls a disconnected telephone number of a called party. (See e.g., Fig. 2 and page 3, lines 17-30.) A telephone number is determined of a calling party that attempts to call a disconnected telephone number of the called party. (See e.g., Fig. 2 and page 4, lines 24-27.) In accordance with at least a portion of the telephone number of the calling party, it is determined whether the calling party is authorized to receive a first announcement. (See e.g., Fig. 2 and page 5, lines 19-24.) The first announcement is provided to the calling party if the calling party is authorized by the called party to receive the first announcement, wherein the first announcement comprises a forwarding number of the called party. (See e.g., Fig. 2 and page 6, lines 1-2.) An alternate announcement is provided if the calling party is not authorized by the called party to receive the first announcement. (See e.g., Fig. 2 and page 5, lines 25-31.)

Independent claim 11 recites a telecommunications system for providing an announcement to a calling party when the calling party calls a disconnected telephone number of a called party. (See e.g., Figs. 1 and 2 and page 3, lines 17-30.) The system includes a service control point that determines a telephone number of the calling party attempting to call a disconnected telephone number of the called party and determines, in accordance with at least a portion of the telephone number of the calling party, whether the call party is authorized to receive a first announcement. (See e.g., Figs. 1 and 2, page 4, lines 24-27, and page 5 lines 19-24.) The first announcement is provided to the calling party if the calling party is authorized by the called party to receive the first announcement, wherein the first announcement comprises a forwarding number of the called party. (See e.g., Figs. 1 and 2 and page 6, lines 1-2.) An alternate announcement is provided if the calling party is not authorized by the called party to receive the first announcement. (See e.g., Figs. 1 and 2 and page 5, lines 25-31.)

Independent claim 21 recites a method for providing an announcement to a calling party when the calling party calls a disconnected telephone number of a called party. (See e.g., Fig. 2 and page 3, lines 17-30.) A call is received from a calling party to a disconnected telephone number of a called party. (See e.g., Fig. 2 and page 4, lines 21-24.) A telephone number of the calling party is determined. (See e.g., Fig. 2 and page 4, lines 24-27.) From at least a portion of the telephone number, it is determined whether the calling party is authorized to receive call forwarding information of the called party. (See e.g., Fig. 2 and page 5, lines 19-24.) If the calling party is authorized by the called party, call forwarding information of the called party is provided, otherwise providing an alternate announcement. (See e.g., Fig. 2, page 5, lines 25-31, and page 6, lines 1-2.)

VI. Grounds of Rejection to be Reviewed on Appeal

1. Whether claims 1, 4-11, 14-21 and 23 are unpatentable over Rubin (US 5,832,061) in view of Gilbert et al. (US 6,795,530).
2. Whether claims 10 and 20 under 35 U.S.C. 103(a) are unpatentable over Rubin in view of Gilbert and further in view of Kim (US 6,584,188).

3. Whether claims 1, 4-11, 14-21 and 24 are unpatentable over Dans (US 6,195,417) in view of Gilbert et al. (US 6,795,530).

VII. Argument

Appellant submits that the pending rejections fail to cite references teaching or suggesting all of the claimed features. Appellant appreciates the March 23, 2007 and September 1, 2006 decisions to reopen prosecution in accordance with the previously filed Notice of Appeal and Pre-Appeal Briefs Request for Review. Appellant submits that the present rejections should also be withdrawn, for at least reasons similar to the reasons on which the reopening of prosecution was based. The pending claims have been rejected for the third time using the same rejections that caused prosecution to be opened twice before. The pre-appeal brief Panel has twice overturned rejections that are the same as the present rejections, except that one reference was dropped from the rejection and another reference with the same deficiencies as the reference that was dropped, was added in a separate listing of rejections. The present Office Action still does not correctly address missing elements of the claims. Appellant sets forth missing elements below.

A. Claim 1

Pending independent claim 1 recites a method for providing an announcement to a calling party when the calling party calls a disconnected telephone number comprising “providing the first announcement to the calling party if the calling party is authorized” “wherein the first announcement comprises a forwarding number of the called party” and “providing an alternate announcement if the calling party is not authorized.”

Rubin discloses an intelligent network architecture to handle calls placed to a network subscriber who has changed telephone numbers from an old telephone number to a new telephone number. As correctly noted by previous Office Actions, Rubin neither discloses nor suggests determining, in accordance with at least a portion of a telephone number, whether a calling party is authorized to receive a first announcement, and providing the first announcement to the calling party if the calling party is authorized by the called party to receive the first announcement. Nor does

Rubin disclose or suggest that the first announcement is a forwarding number. Gilbert et al. and Dans fail to fill the gaps.

Gilbert et al. discloses a system and method for providing customized announcements to callers based on the called party telephone number and the calling party telephone number. See Abstract. When an incoming call is answered by a personal communications service, the system checks a database to determine whether or not the subscriber has identified that calling party number as a number that receives a personalized greeting. If the calling party number is in the database, the system plays the specific greeting selected by the subscriber for that specific caller or group of callers. Gilbert et al. does not disclose or suggest providing a forwarding number to authorized callers, and otherwise providing an alternate message.

Dans discloses an automated system places telephone calls to speech-based information systems, and interacts with the systems to retrieve information. The system employs a calling computer which uses speech recognition software to recognize the verbal messages generated by the information systems. The verbal messages are stored for recognition purposes, not for supplying such messages to a user. See Col. 14, lines 44-45 and 66-67. The system is designed for calling bank information systems to verify accounts and checking transactions drawn on accounts. The system may also be employed for checking the status of lists of telephone numbers to determine whether the numbers have been changed or disconnected. In this case, the system recognizes verbal messages generated by a telephone company information system, and records new telephone numbers to which old telephone numbers have been changed. Dans does not disclose or suggest providing a forwarding number to a calling party if the calling party is authorized by the called party to receive the forwarding number, and otherwise providing an alternate message.

Conversely, the claims call for providing a forwarding number to a calling party if the calling party is authorized by the called party to receive the forwarding number, otherwise providing an alternate message. For at least these reasons, Appellant respectfully requests review of the final rejection directed against the current application and withdrawal of the rejections against the claims. Claims 4-10 depend from claim 1, and are submitted to be allowable for at least the same reasons.

B. Claim 11

Pending independent claim 11 recites a telecommunication system for providing an announcement to a calling party in which a “first announcement is provided to the calling party if the calling party is authorized by the called party to receive the first announcement, wherein the first announcement comprises a forwarding number of the called party”. Also, “an alternate announcement is provided if the calling party is not authorized by the called party to receive the first announcement”. As described above, neither reference, alone or in combination, discloses or suggests such features. For at least the reasons discussed above with regard to claim 1, Appellant respectfully requests that this rejection also be withdrawn. Claims 14-20 depend from claim 11, and are submitted to be allowable for at least the same reasons.

C. Claim 21

Pending independent claim 21 recites a method for providing an announcement to a calling party when the calling party calls a disconnected telephone number that includes providing call forwarding information “if the calling party is authorized by the called party” and “otherwise providing an announcement”. As described above, neither reference, alone or in combination, discloses or suggests such features. For at least the reasons discussed above with regard to claim 1, Appellant respectfully requests that this rejection also be withdrawn. Claims 23-24 depend from claim 21, and are submitted to be allowable for at least the same reasons.

D. No motivation to combine

In addition, there is no motivation for the proposed combination of references. Obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either explicitly or implicitly in the references themselves or in the knowledge generally available to one of ordinary skill in the art. MPEP 2143.01.

It would not have been obvious to incorporate the features of the Rubin system with the Gilbert et al. and Dans systems. There is no motivation to combine the systems. The systems of Rubin and Dans do not teach providing a forwarding number to authorized calling parties, otherwise providing an alternate message. Likewise, Gilbert et al. does not teach using a customized announcement system with

disconnected number, nor using the customized announcement to provide a forwarding number of a disconnected phone line. Therefore, there would have been no motivation to combine the customized announcement system of Gilbert et al. with the call forwarding systems of Rubin and Dans. For at least this additional reason, Appellant respectfully request that the rejection to the claims be withdrawn.

E. Claims 10 and 20

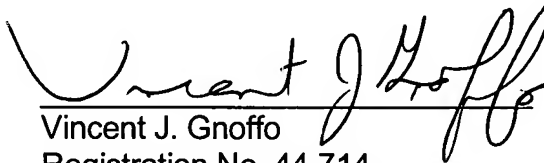
Kim discloses an intelligent telephone system that includes a caller-ID circuit that extracts a call identifier from an incoming call. The system of Kim discloses keeping a call record log. None of the references, alone or in combination, disclose or suggest that a log is kept for a disconnected number. Moreover, none of the references, alone or in combination, disclose or suggest providing a forwarding number to a calling party if the calling party is authorized to receive it, otherwise providing an alternate message. Therefore, claims 10 and 20 should be allowed for the reasons discussed with regard to their respective independent claims discussed above.

In addition, there is no motivation to combine the caller ID system of Kim with the systems of Rubin, Gilbert et al. and Dans. A user would not purchase caller ID for a disconnected number. For at least these additional reasons, Appellant respectfully requests that the rejection to claims 10 and 20 be withdrawn.

Conclusion

For the reasons provided above, Appellant submits that claims 1, 4-11 and 14-21 and 23-24 are allowable over the cited art. Appellant respectfully submits that the outstanding rejections of the claims as unpatentable is in error and should be reversed.

Respectfully submitted,


Vincent J. Gnoffo
Registration No. 44,714
Attorney for Appellant

BRINKS HOFER GILSON & LIONE
P.O. BOX 10395
CHICAGO, ILLINOIS 60610
(312) 321-4200

VIII. Claims Appendix

1. A method for providing an announcement to a calling party when the calling party calls a disconnected telephone number of a called party, the method comprising:
determining a telephone number of a calling party that attempts to call a disconnected telephone number of the called party;

determining, in accordance with at least a portion of the telephone number of the calling party, whether the calling party is authorized to receive a first announcement;

providing the first announcement to the calling party if the calling party is authorized by the called party to receive the first announcement, wherein the first announcement comprises a forwarding number of the called party; and

providing an alternate announcement if the calling party is not authorized by the called party to receive the first announcement.

2. (Cancelled)

3. (Cancelled)

4. The method according to claim 1 wherein the at least a portion of the telephone number includes an area code of the calling party.

5. The method according to claim 4 wherein the at least a portion of the telephone number further includes at least three digits of the telephone number of the calling party.

6. The method according to claim 1 wherein the telephone number comprises information about calling parties that are authorized to receive the first announcement.

7. The method according to claim 1 wherein the telephone number comprises information about calling parties that are not authorized to receive the first announcement.

8. (Original) The method according to claim 1 wherein the first announcement is provided by an announcement server.

9. The method according to claim 8 further including providing a connection from the calling party to the announcement server.

10. The method according to claim 1 further comprising providing a call log of the disconnected telephone number to the called party.

11. A telecommunications system for providing an announcement to a calling party when the calling party calls a disconnected telephone number of a called party, the system comprising:

a service control point, wherein the service control point determines a telephone number of the calling party attempting to call a disconnected telephone number of the called party and determines, in accordance with at least a portion of the telephone number of the calling party, whether the call party is authorized to receive a first announcement;

wherein the first announcement is provided to the calling party if the calling party is authorized by the called party to receive the first announcement, wherein the first announcement comprises a forwarding number of the called party; and

an alternate announcement is provided if the calling party is not authorized by the called party to receive the first announcement.

12. (Cancelled)

13. (Cancelled)

14. The system according to claim 11 wherein the at least a portion of the telephone number includes an area code of the calling party.

15. The system according to claim 14 wherein the at least a portion of the telephone number further includes at least three digits of the telephone number of the calling party.

16. The system according to claim 11 wherein the telephone number comprises information about calling parties that are authorized to receive the first announcement.

17. The system according to claim 11 wherein the telephone number comprises information about calling parties that are not authorized to receive the first announcement.

18. The system according to claim 11 further including an announcement server, wherein the announcement server provides the first announcement.

19. The system according to claim 18 further including a switch, wherein the switch provides a connection from the calling party to the announcement server.

20. The system according to claim 11 further comprising a call log of the disconnected telephone number to be provided to the called party.

21. A method for providing an announcement to a calling party when the calling party calls a disconnected telephone number of a called party, the method comprising:

receiving a call from a calling party to a disconnected telephone number of a called party;

determining a telephone number of the calling party;

determining from at least a portion of the telephone number whether the calling party is authorized to receive call forwarding information of the called party; and

if the calling party is authorized by the called party, providing call forwarding information of the called party, otherwise providing an alternate announcement.

22. (Cancelled)

23. The method according to claim 21 wherein the act of determining comprises determining whether the calling party is listed on an accept list.

24. The method according to claim 21 wherein the act of determining comprises determining whether the calling party is listed on a reject list.

IX. Evidence Appendix

None

X. Related Proceedings Appendix

None